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Paper No.

Chih-Ta Star Sung
Rm. 308, Bld. 52, No. 195,
Sec. 4
Chung Hsin Rd.
Juhdong 310
TAIWAN

COPY MAILED

DEC 10 2008

In re Application of :
Chih-Ta Sung and :
Yen-Chieh Ouyang : ON PETITION
Application No. 10/626,917 :
Filed: July 25, 2003 :
Title: MOTION ESTIMATION :
METHOD AND APPARATUS FOR VIDEO:
DATA COMPRESSION :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR ABANDONED APPLICATION filed June 19, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, September 25, 2007, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. The issue fee and publication fee were received in the Office on Thursday, December 27, 2007. Unfortunately, this was outside of the period for reply. Accordingly, the application became abandoned. A courtesy Notice of Abandonment was mailed on May 13, 2008.

For a grantable petition under 37 CFR 1.137(b), applicants must submit the required reply¹ in the form of payment of the Issue Fee and Publication Fee; payment of the petition fee set forth in 37 CFR § 1.17(m); and a statement of unintentional delay. In this case, no terminal disclaimer is required.

Co-inventor Sung has submitted the items required by 37 CFR 1.137(b). However, the petition, including the statement of unintentional delay, is only signed by inventor Sung. This is not acceptable.

37 CFR 1.33(b), which is applicable to petitions filed in an application, requires that

Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

It is acknowledged that co-inventor Sung has signed many papers in this application. However, there is nothing of record to show that his signature is in compliance with 37 CFR 1.33(b) or no justification in the record for waiving the requirements of 37 CFR 1.33(b) in this application. The record does not support a conclusion that co-inventor Sung is a patent practitioner or has limited authority to sign on behalf of co-inventor Ouyang or that he is signing on behalf of the assignee. It is recognized that this application is assigned to Taiwan Imagingtek Corporation. However, the assignee has not taken action in the application in accordance with § 3.71. Specifically, the assignee has not filed a 3.73(b) statement and has not advised

¹ There was no distinct but concurrent requirement for corrected drawings.

the Office that inventor Sung is authorized to sign on behalf of the assignee.

On request for reconsideration, applicants may either have the petition signed by both inventor Sung and inventor Ouyang, or submit a properly completed statement under 3.73(b) establishing that inventor Sung's signature on the behalf of the assignee is sufficient. (For applicants' convenience, form PTO/SB/96, statement under 3.73(b) is enclosed. For the form to be complete, sections 1 or 2, and A or B, and the last box must be completed and the form must be properly signed).

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/96.